

STORMWATER REGULATIONS

(version 7/11/2014)

INTRODUCTION

The Town of Upton established a Stormwater Bylaw, dated May 10, 2012, to meet the requirements of the United States Environmental Protection Agency's (USEPA's) National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit, referred to herein as the MS4 Permit.

The Stormwater Bylaw prohibits the discharges of illicit materials to the Town's stormwater management system, requires the removal of all such illicit connections, and regulates construction stormwater controls for both new development and re-development projects. These Regulations are intended to mirror the requirements of the Stormwater Bylaw and provide guidance to those proposing development or redevelopment. The Stormwater Bylaw includes full definitions of terms used in these Regulations.

1.0 APPLICABILITY

- A) These Regulations shall apply to flows entering the municipally-owned storm drainage system, a watercourse, and any wetland resource area located within the boundaries of the Town of Upton. They shall be applicable to all new development and re-development, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, and any other activity that will result in an increased amount of stormwater runoff or pollutants flowing from the a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5.D of the Stormwater Bylaw.
- B) The Upton stormwater and erosion control regulations shall apply to all residential development and re-development (regardless of size), including a single-family house. However, any construction activity requiring approval under the Upton subdivision control law or requiring Planning Board site plan review is exempt only from the administrative burden of submitting a separate SMP (Stormwater Management Plan) or ESCP (Erosion and Sediment Control Plan), provided that the plans submitted and approved by the Planning Board include stormwater and erosion control provisions for the site that are in full compliance with the Upton Stormwater Bylaw.
- C) Projects that are exempt from the Massachusetts Stormwater Standards, as described in the most recent version of the Massachusetts Stormwater Handbook, are not exempt from review under the Upton Stormwater Bylaw and Upton Stormwater Regulations.
- D) All new development and re-development shall be classified in a two-tier system. No person shall start a project subject to the provisions of the Stormwater Bylaw without first obtaining the approval by the Conservation Commission or their Authorized Representative.
 - 1. Tier I: Notification. This level of project review applies to
 - a. Disturbance of more than 5,000 square feet up to one (1) acre (43,560 square feet) of land; OR
 - b. Stockpiling more than 100 cubic yards of excavated soil or fill
 - 2. Tier II: Stormwater Management Plan. This level of project review applies to
 - a. Total cumulative disturbed area of more than one (1) acre (43,560 square feet) of land; OR
 - b. New development or re-development which causes alteration of drainage characteristics.

3. An Erosion and Sediment Control Plan may be required under both Tier I and Tier II depending on the scope of the proposed activity.

Submittal requirements for each level of project review are included in Sections 2.0 and 3.0 of these Regulations.

- E) Requests for a waiver from strict compliance with any requirement of the Stormwater Bylaw or these Regulations may be considered by the Conservation Commission. Refer to the Stormwater Bylaw for full narrative on this process and conditions under which a waiver may be approved.

2.0 TIER I: NOTIFICATION

- A) Activities that meet the project descriptions noted in Section 1.D.1 of these Regulations require that the Conservation Commission or their Authorized Representative must be notified in writing at least 10 days prior to commencement of the activities.
- B) A Pre-Construction Evaluation Form to guide the applicant in this process is attached to these Regulations.
- C) Any measures to prevent the offsite discharge of sediment, inspections required by the Conservation Commission, and other information requested must be completed or provided prior to commencement of land-disturbing activity.

3.0 TIER II: STORMWATER MANAGEMENT PERMIT

- A) Activities that meet the project descriptions noted in Section 1.D.2 of these Regulations require a Stormwater Management Plan (SMP), including the submittal of an Erosion and Sediment Control Plan and an Operation and Maintenance Plan, must be submitted to the Conservation Commission or their Authorized Representative.
- B) Approval by the Conservation Commission of the Stormwater Management Plan shall be considered a Stormwater Management Permit.
- C) The Stormwater Management Plan shall be designed to meet the Massachusetts Stormwater Management Standards and DEP Stormwater Management Handbooks, as revised. The plans, documents and calculations submitted must be stamped by a Massachusetts Professional Engineer or a Certified Professional in Erosion and Sediment Control.
- D) A Stormwater Management Plan Application is attached to these Regulations. The applicant shall complete and sign the Stormwater Management Permit Application and deliver the application, Stormwater Management Plan and drawings to the Conservation Commission or their Authorized Representative.
- E) A Stormwater Management Permit must be approved prior to commencement of land-disturbing activity.

4.0 EROSION AND SEDIMENT CONTROL PLAN

- A) The full purpose and jurisdiction of an Erosion and Sediment Control Plan are defined in Section 6 of the Stormwater Bylaw.
- B) Activities that require an Erosion and Sediment Control Plan, but that do not require a full Stormwater Management Permit, are described in Section 6(B) of the Stormwater Bylaw.
- C) Activities which are exempt from the requirement of an approved Erosion and Sediment Control Plan are defined in the Stormwater Bylaw.
- D) An application and checklist to guide the applicant in the development of an Erosion and Sediment Control Plan is attached to these Regulations.

5.0 OPERATION AND MAINTENANCE PLAN

- A) An Operation and Maintenance plan is required for all projects that require a Stormwater Management Permit and all projects subject to the provisions of Section 6.C of the Stormwater Bylaw.
- B) A checklist to guide the applicant in the development of an Operation and Maintenance Plan is attached to these Regulations.

OTHER RESOURCES AVAILABLE

1. Massachusetts Stormwater Handbook.
<http://www.mass.gov/dep/water/laws/policies.htm#storm>

Revised and updated in accordance with revisions to the Wetlands regulations, 310 CMR 10.00, and the Water Quality Regulations, 314 CMR 9.00, relating to stormwater. February 2008.

2. Upton, Massachusetts Stormwater By-Law (Title 7 of General By-Law)
http://www.upton.ma.us/Pages/UptonMA_webdocs/townbylaw/generalbylaws

The Stormwater Management Bylaw was approved at the annual Town Meeting on May 10, 2012.

FORMS INCLUDED IN THIS PACKAGE

1. Pre-Construction Evaluation Form
2. Erosion and Sediment Control Plan Application and Checklist
3. Stormwater Management Plan Application
4. Operation and Maintenance Plan Checklist

Change Log (per approval at a posted Conservation Commission meeting)

5/14/2014-In Sect 1.A the text "Section 5.E" was corrected to "Section 5.D" as Section 5.E does not exist (Denise Smith).

8/26/2014 - In Section 1.0, added clarifications approved at 8/13/2014 public hearing (AM).